

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 1:19-CR-109
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
RUSSELL DELANO MILEY-CRUZ,	)	
	)	
Defendant.	)	<b><u>ORDER</u></b>

Upon a showing or finding of “reasonable cause,” pursuant to Title 18, United States Code, § 4241, a court is required to order a hearing to address the matter of the defendant’s competency. Prior to this hearing, the court “may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court.” 18 U.S.C. § 4241(b). The report must be conducted by a “licensed or certified psychiatrist or psychologist . . . designated by the court.” 18 U.S.C. § 4247(b) .

Defendant Russell Delano Miley-Cruz, through his attorney, David J. Betras, ([ECF No. 10](#)), suggests that Defendant may presently be suffering from a mental disease or defect that could impact his competency to stand trial or to assist in his defense. The Government has responded that the United States does not object to Defendant’s motion. [ECF No. 12](#). The Court accepts this as reasonable cause for further investigation.

The Court hereby orders the Defendant Russell Delano Miley-Cruz undergo a psychiatric and/or psychological examination to determine his mental competence, pursuant to 18 U.S.C. § 4241(a).

(1:19-CR-109)

The Court further orders that Defendant be committed to the custody of the Attorney General of the United States for the purpose of such evaluations for a reasonable period not to exceed thirty (30) days from the date of the Defendant's arrival at a suitable facility. Upon a request for an extension made by the director of such facility, the Court will consider granting the facility an additional fifteen (15) days for such evaluations in accordance with § 4247(b). The Defendant shall be evaluated at a suitable facility closest to the Court, if possible. The Court further orders that, in accordance with § 4247(c), following the conclusion of the competency evaluation, a psychiatric or psychological report shall be prepared by the examiner designated to conduct the psychological or psychiatric evaluations and the report shall be filed with the Court and copies provided to counsel for the Defendant and counsel for the government. In addition to any information that may assist the Court, the report shall include the information described in § 4247(c)(1)-(4)(A)-(B).

Defendant's Motion for Hearing to Determine Mental Competency ([ECF No. 10](#)) is denied at this time.

IT IS SO ORDERED.

April 17, 2019  
Date

s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge